

Remarks

The Applicants object to the Examiner's September 22, 2004 Office Action because it is incomplete. More specifically, 37 C.F.R. 1.104 requires that the Examiner cite the particular part of the prior art relied upon as nearly as practicable. Here, the Examiner provides no citations to the prior art, beyond merely identifying the references by title. One of the references that the Examiner relies on is over 100 pages long. Applicants have not been presented with a complete non-final action in this regard, and respectfully contend that a final rejection following this action would be improper. Nonetheless, the Applicants have done their best to respond to the Examiner's rejections herein.

The Examiner has rejected claims 1-4, 11-14, and 23 under 35 U.S.C. § 102(b) as anticipated by "Water Use Calculator" ("the Calculator reference"). The Applicants respectfully traverse the Examiner's rejection because the Calculator reference fails to teach at least one element of independent claims 1 and 12, and several elements of the dependent claims.

Independent claim 1 recites a computer-implemented system for estimating water consumption for a facility. The system includes one or multiple computers programmed and configured to carry out a series of steps. One of these steps includes receiving input defining a plurality of values or characteristics for operations that consume water within a facility. An annual water consumption is then estimated for each of the water consuming operations based on the inputs. Additionally, a water balance is automatically created and displayed for the facility based on the annual water consumption for each of the water consuming operations.

The Calculator reference that the Examiner relies on teaches a conventional water consumption calculator. With particular regard to independent claims 1 and 12, the reference does not teach a computer system or method for automatically creating and displaying a water balance for the facility. An example water balance is illustrated in Figure 11. In this embodiment, the water balance is a graphical illustration of water

consumption for a facility, including an interrelationship between multiple tiers of water consumption sources. In this fashion, the claimed water table is different than a conventional water use calculator such as that described in the Calculator reference. This distinction is supported by the presence of the "calculator" language in other dependent claims that is not present in independent claims 1 and 12. Embodiments of such calculators are shown in Figures 4-10. Because the Calculator reference fails to teach or suggest the automatic creation and display of a water balance as the independent claims recite, the Applicants respectfully request that the Examiner's rejection of these claims be withdrawn

Claims 2-4 and 11 are proper at least because they depend from proper independent claim 1. (MPEP § 2143.) With particular regard to dependent claim 11, however, the Calculator reference fails to teach or suggest "a calculator for estimating and outputting the cost for annual facility water consumption." The Calculator reference merely shows a plurality of fields for receiving inputs regarding water consumption, and a calculator for outputting consumption total based on the inputs. No reference is made to the cost of water, or a calculator for estimating the costs of annual facility water consumption as dependent claim 11 recites.

The Applicants' arguments with respect to claims 1-4 are applied equally to the Examiner's rejection of claims 12-14.

The Examiner's rejection of claims 1-23 under 35 U.S.C. § 102(b) as being anticipated by "A Water Conservation Guide for Commercial, Institutional, and Industrial Users," ("the Guide") is also respectfully traversed. The Guide is a manual of guidelines to help commercial, institutional, and industrial water users conserve water. For example, pages 13-29 describe how to create a successful water conservation program. Pages 31-42 describe water conservation guidelines for indoor/domestic use. Pages 45-58 describe water conservation guidelines for landscaping. Pages 59-68 describe water conservation guidelines for heating and cooling. Pages 69-76 describe water conservation measures for specific

processes and industries. Pages 77-102 describe case studies in commercial, institutional, and industrial water conservation.

The Guide fails to teach or suggest the computer system or computer-implemented method for estimating water consumption that independent claims 1 and 12 recite, and the Examiner provides no citations to the contrary. For example, the Guide does not teach a computer system for receiving input defining a plurality of values or characteristics for one or more water-consuming operations in a facility. The reference does not teach or suggest computer-implemented systems programmed and configured to estimate an outputted annual water consumption for each of the water consuming operations. In addition, the reference does not teach a computer-implemented system programmed and configured to automatically create and display a water balance for the facility. These arguments apply equally to independent claims 1 and 12.

With respect to the rejected dependent claims, the reference does not teach or suggest a computer system programmed and configured to display a calculator for estimating and outputting the annual water consumption for one or more of the water consuming operations, as dependent claim 2 recites. Similarly, the Guide does not teach or suggest a computer program that is configured to display a calculator for estimating and outputting the cost for annual facility water consumption, as claim 11 recites. Dependent claims 3-10 are patentable at least because they depend from proper independent claim 1. (MPEP § 2143.)

The Applicants' arguments with respect to the Examiner's rejection of independent claim 1 can be applied equally to the Examiner's rejection of independent claim 12. The Applicants contend that dependent claims 13-23 are patentable at least because they depend from proper independent claim 12. With particular regard to claims 16-20, however, the Applicants contend that the Guide does not teach water consuming operations including assembly operations, phosphate converting coding, electroplating, cooling tower systems, and boiler systems. With regard to dependent claim 21, the Guide does not teach the computer-implemented method for estimating and outputting the costs for annual facility water

consumption. Finally, the Guide fails to teach or suggest a computer-implemented method that includes comparing an estimated water consumption rate for a water consuming operation to an actual water consumption rate for the water consuming operation to identify a potential water consumption problem in the facility. The Examiner provides no citations to the contrary.

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

No additional fee is believed to be due as the result of the filing of this paper. However, any additional fees or credits should be applied to Deposit Account 06-1510 (Ford Global Technologies, Inc.) as authorized by the original transmittal letter in this case.

Respectfully submitted,

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